Report of the

Funeral Services Working Committee

on

FUNERAL SERVICES BUSINESSES

March 1991

March 4, 1991 91-05012/

Honourable Dennis Anderson
Minister
Consumer and Corporate Affairs
229 Legislature Building
Edmonton, Alberta

Dear Mr. Anderson:

I have the honour to submit to you the report of your Funeral Services Working Committee. The Committee has worked diligently during the past sixteen months to ensure the report reflects adequately the predominant views and concerns of both consumers and funeral service businesses. Both are genuinely interested in working towards a fair marketplace, one which takes into account the changing demands and expectations of consumers as well as the changing way in which services and products are presented and marketed. The Committee believes its report sets out a framework within which a fair marketplace can be maintained throughout the challenging years ahead.

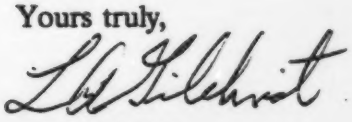
Following the formation of the Committee and a few exploratory meetings in which the Committee established the direction it felt it should go, members of the Committee met with both funeral services business people and consumer representatives. Feedback received from those meetings as well as on-going contacts helped the Committee formulate an initial discussion paper. This paper was distributed to interested consumer groups and the funeral services business community in Alberta for comment. Then a series of meetings was held throughout central and southern Alberta to obtain personal, first-hand reactions and views about the paper from business people and consumers.

As the result of comments received at these meetings, some changes to the paper were proposed. These suggested changes also were distributed to businesses and consumers to obtain further feedback. All the comments received were considered carefully in light of the Committee's mandate and the legislation under which its recommendations would be implemented before the Committee finalized its report.

In this report, the Committee is recommending a framework for the establishment of a regulatory board which would be comprised of both business and consumer representatives and which would function with the authority delegated to it by government. The Committee believes that its recommendations will create a dynamic, interactive partnership among consumers, business people, and government that will achieve and maintain a fair funeral services marketplace which is responsive to consumer needs and expectations.

In closing, the Committee would like to express its gratitude to the Alberta Funeral Services Association and the many funeral services businesses in Alberta, to the Consumers' Association of Canada (Alberta), and to the Alberta Memorial Societies Co-ordinating Council for the co-operation and input the Committee received. And also to you, Mr. Minister, for the opportunity of participating in this forward-looking review of the funeral services marketplace in Alberta.

Yours truly,



Larry Gilchrist
Chairman

Committee Statement

The Honourable Dennis Anderson, Minister of Alberta Consumer and Corporate Affairs, gave the Funeral Services Working Committee the opportunity to help funeral services businesses and consumers mold their future. We are very pleased to have been able to build a bridge of cooperation between these businesses and consumers. Our report recommends positive changes in the management of regulation by merging the interests of consumers, funeral services businesses, and government.

The funeral services businesses of Alberta are showing the leadership necessary to take their marketplace and the interests of consumers into the 90's. We carefully listened to their concerns and recommendations about the marketplace. The great majority of businesses willingly accept the principles of delegated regulation, but they could not always agree on the details of each recommendation. They are willing to shed the veil of mystery that has surrounded their services in the past, and to participate actively with consumers in regulating their marketplace.

Consumers want a fair and reasonable value for the money they spend in the funeral services marketplace. Consumer expectations in all areas are higher than ever before and their demands for disclosure are becoming louder. Consumers told us that they want the funeral services marketplace to be mutually managed and regulated. By playing an active role, consumers know that they will be better served.

We believe that the recommendations contained in this report will have positive impact on both funeral services businesses and consumers. The future for funeral services businesses must be built on the principles of responsible regulation, partnership and education. The Committee believes that its report achieves this goal.

Mr. Larry Gilchrist

Mr. Scott McLeod

Dr. Diane Rebryna

Mrs. Leslee Martin

Mr. Kenneth Schmelke — Signature Not Available

Mr. Robert Greschuk

Mr. John Chasca

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Funeral Services Working Committee

I. INTRODUCTION

In October, 1989, the Honourable Dennis Anderson, Minister of Consumer and Corporate Affairs, announced the creation of a working committee of funeral directors and consumers to develop the framework for a funeral services regulatory board. The development of a funeral services regulatory board provides an opportunity for a dynamic partnership between industry, consumers, and government.

Why is there a need for a Funeral Services Regulatory Board?

Many businesses within the funeral services industry have expressed a desire to participate with government and consumers in regulating their marketplace. There is an awareness within the industry of a need for education, both in the upgrading of skills of people within the industry and for educating their clientele. The industry also wants to be involved in complaint resolution.

Consumers are concerned that a fair and reasonable value be obtained for money spent in the funeral services industry. By playing an active role in forming regulations dealing with quality control, ethics, and health issues, consumers will be better served. Consumers also need to be involved in complaint resolution and in addressing their educational needs.

Alberta Consumer and Corporate Affairs will consider delegating some of its responsibility for licensing, complaint handling, and education to a board that would involve industry and consumers directly. The goal of Consumer and Corporate Affairs is to find a mechanism where industry, consumers, and government can work together in partnership to create a marketplace that is fair for everyone.

How was the Working Committee formed?

There are four categories of funeral services businesses in Alberta:

- Alberta-owned funeral services businesses with one location, situated in an urban area,
- Alberta-owned funeral services businesses with one location, situated in a rural area,
- Alberta-owned funeral services businesses that operate in more than one location, and
- funeral services businesses whose ownership is outside of Alberta.

Each of these categories has an interest in the industry and is represented on the Working Committee. The industry representatives were appointed by the Minister of Consumer and Corporate Affairs from a list of recommendations submitted by the funeral services industry.

The Chairperson and the consumer representatives were appointed by the Minister.

Who are the members of the Working Committee?

The Working Committee has seven members, with the Director of Industry Standards and a research consultant from Alberta Consumer and Corporate Affairs acting as resource people.

Chairman:	Mr. Larry Gilchrist
Industry Representatives:	Mr. William Forsberg Mrs. Leslee Martin Mr. Kenneth Schmelke Mr. Don Thackeray
Alternates:	Mr. Robert Greschuk Mr. John Chasca
Consumer Representatives:	Mr. Scott McLeod Dr. Diane Rebryna
Director of Industry Standards:	Mr. Harold Baker
Researcher:	Mrs. Marilyn McPherson

What are the goals of the Funeral Services Working Committee?

The Working Committee was asked to examine five areas of the funeral services industry and to develop recommendations for future regulatory changes. The areas are development of a funeral services regulatory board, licensing, complaint resolution, compensation, and education.

The basic principles used by the Funeral Services Working Committee in the preparation of this Discussion Paper include the following:

- that licensing certain types of businesses is necessary for consumer protection,
- that if businesses are licensed an effective system of consumer complaint resolution is necessary,
- that a compensation fund administered by the licensing body is fairer to consumers than a surety bond requirement where payment from the bond may be determined by a party who has no vested interest in the legislation,
- that educating both consumers and businesses about their rights and responsibilities in the funeral services marketplace is extremely important, and
- that delegating the responsibility for administering the regulation that outlines all these principles to an independent body composed of representatives of both players in the marketplace--consumers and businesses--is the most effective means of administration.

1. Funeral Services Regulatory Board

   The Committee considered where the responsibility for licensing, consumer complaint resolution, education, and compensation for consumers should rest. The Committee developed a model for an independent regulatory board that would carry out the rights, obligations, or functions delegated to it by the Director of Licensing of Trades and Businesses. The persons who sit on this regulatory board would need to represent both Alberta consumers and members of the funeral services industry. The regulatory board would be fair, equitable, and strong enough in its enforcement to have credibility.

2. Licensing

The Committee developed licensing standards for funeral services businesses and funeral directors. Appropriate standards for licences at application and for ongoing operation were established. The responsibility for licensing will be delegated to a future Funeral Services Regulatory Board. The Committee also developed a fee structure for licenses that would cover the costs of maintaining a regulatory board.

3. Consumer Complaint Resolution

The Committee determined the manner in which consumer complaints about funeral services business should be handled. The Committee developed a complaint resolution mechanism to protect Alberta consumers which ensures that consumers and businesses touched by the decisions of a regulatory board would have a right of appeal. Complaint resolution mechanisms that address the interests of both the consumer and the business were emphasized.

4. Compensation for Consumers

The Committee developed a plan to create a compensation fund. The compensation fund would be paid for by the licensees and administered by the future regulatory board. It would be a source of funds to reimburse consumers who have suffered direct financial loss from a funeral services business.

5. Education of Businesses and Consumers

The Committee developed recommendations for ongoing educational and plain language initiatives to raise standards within the industry as well as to increase consumer awareness of the industry.

Recommendations to ensure consumer protection in the monument building industry have not been included in this discussion paper. The Working Committee feels that this issue must still be addressed.

The recommendations contained in this discussion paper are a result of meetings which began November 14, 1989, and which were carried on for sixteen months. The recommendations are not final until the Working Committee's report is submitted to the Minister. Only those businesses licensed under the Licensing of Trades and Businesses Act, the Funeral Directors Business Licensing Regulation, will be affected by any change in legislation that may be proposed by the Funeral Services Working Committee.

The recommendations follow:

II. RECOMMENDATIONS

A. MODEL OF FUNERAL SERVICES REGULATORY BOARD

Overview

Delegation of Regulation

Alberta Consumer and Corporate Affairs is considering delegating some of its responsibility for licensing, complaint handling, and education to an organization composed of both industry and consumer representatives. Alberta Consumer and Corporate Affairs hopes to find a mechanism where industry, consumers, and government can work together in partnership to create a marketplace that is fair for everyone.

Creation of the Funeral Services Regulatory Board

1. The Funeral Services Working Committee recommends that a board be created called the Funeral Services Regulatory Board.

2. The Funeral Services Regulatory Board will be made up of an equal number of representatives from the funeral services industry and consumer representatives, plus one chairperson.

3. The Funeral Services Working Committee recommends that Alberta Consumer and Corporate Affairs delegate to the Funeral Services Regulatory Board the responsibilities for licensing, complaint resolution, and education that are currently administered by the Department under the Licensing of Trades and Businesses Act.

Purpose of the Funeral Services Regulatory Board

1. The purpose of the Funeral Service Regulatory Board is to carry out the rights, obligations, or functions delegated to it by the Director of Licensing of Trades and Businesses. This may include but is not limited to the following:

   a) Administering the licensing regulation by:
      - issuing, renewing, suspending, or cancelling funeral service business licences
      - issuing, renewing, cancelling, or suspending funeral directors' licences
      - providing a list of approved schools that offer courses in embalming
      - ensuring that funeral directors qualifications are met
      - annually inspecting funeral services business facilities
      - ensuring that funeral service businesses are upholding the standards of conduct laid down in the regulation
      - investigating unlicensed businesses, persons and activities
      - providing specified information about licensees to the public
      - undertaking enforcement of the regulation, and prosecution of contraventions where required.

   b) Overseeing the complaint resolution process. Complaints may be handled in one of several ways:
      - investigating the complaint
      - resolving the complaint
      - providing a mediation process
      - providing an arbitration process
      - going to litigation.

   c) Managing the Compensation Fund. This will include:

      - collecting Compensation Fund levies (to a maximum of $50,000)
      - investing the funds
      - ensuring that guidelines for claims and awards are followed
      - providing for a regular audit of the Fund
      - determining the amounts to be awarded to consumers

- using interest from the Fund to cover the cost of administering the Fund.

d) Providing education and information about the funeral services industry to both consumers and funeral services businesses.

e) Maintaining a current register of:
   - each licensed funeral services business
   - each designated funeral services agent
   - each licensed funeral director.

Size and Composition of the Funeral Services Regulatory Board

1. The Funeral Services Regulatory Board will be composed of eleven members appointed by the Minister of Consumer and Corporate Affairs
   a) 1 chairperson,
   b) 5 consumer representatives, and
   c) 5 industry representatives
      i) 4 persons representing licensed funeral services businesses
      ii) 1 person representing licensed funeral directors.

Chairperson

1. The Chairperson must be appointed by the Minister of Consumer and Corporate Affairs.

2. The Funeral Services Working Committee, and the Funeral Services Regulatory Board, may make recommendations and suggestions to the Minister about candidates that they feel are qualifiifed to hold the chairperson's position.

Industry Representatives

1. Each industry representative must
   a) be a licensed funeral director, and

b) be appointed by the Minister of Consumer and Corporate Affairs from a list of names submitted to him or her by the funeral services industry.

2. The Funeral Services Regulatory Board will ask the funeral services industry for nominations for the five industry representative positions.

3. To stand for nomination, a nominee must
   a) be a licensed funeral director,
   b) be nominated by five licensed funeral directors,
   c) indicate acceptance of the nomination,
   d) provide authorization from employer if necessary, and
   e) provide a summary of qualifications for the position.

4. There must be one industry representative on the Funeral Services Regulatory Board from each of the following categories of funeral services business:
   a) an Alberta-owned funeral services business with only one location, situated in a city,
   b) an Alberta-owned funeral services business with only one location, situated in a town or village,
   c) an Alberta-owned funeral services business with multiple locations, and
   d) a funeral services business whose ownership is outside of Alberta.

5. An independent auditor will conduct a mail-in election to choose industry nominees.

6. Each licensed funeral services business will vote to select a candidate in each of the four categories.

7. Each licensed funeral director will vote to select a candidate to represent funeral directors.

8. The names of the top two candidates in each category will be submitted to the Minister of Consumer and Corporate Affairs.

9. The Minister of Consumer and Corporate Affairs will appoint the five industry representatives from the candidate list.

10. All appointments will be honorarium positions.

11. If an industry representative is unable to complete his or her term of office for any reason, the Minister of Consumer and Corporate Affairs may appoint a replacement representative from a list of candidates provided by the Funeral Services Regulatory Board. The representative will be appointed for the remainder of the term of office.

Consumer Representatives

1. Consumer representatives will be appointed by the Minister of Consumer and Corporate Affairs from the general public.

2. All consumer appointments will be honorarium positions.

Comment

The composition of the Board ensures that all sectors of the marketplace will be represented. With the formation of a regulatory board, the industry will gain the structure it needs to establish its professional standards.

3. If a consumer representative is unable to complete his term of office for any reason, the Minister of Consumer and Corporate Affairs may appoint a replacement representative. The representative will be appointed for the remainder of the term of office.

Term of Office

1. Half of the first Board appointments will be for a three-year term of office; the other half will be for a two-year term of office.

2. After the first term there will be a two-year staggered appointment so that one-half of the Board will always have one year's experience.

3. Members of the Board may serve no more than two consecutive terms of office.

4. If a Board member is unable to complete his or her term of office for any reason, the Minister may appoint a replacement representative from a list of candidates provided by the Funeral Services Regulatory Board. The representative will be appointed for the remainder of the term of office.

Location

1. The Funeral Services Regulatory Board will be located at a business office in an easily accessible major centre in Alberta.

Staff

1. The Funeral Services Regulatory Board will employ one person to act as both an administrator and an inspector. This person must have a strong funeral services industry background, but must have no active, vested interest in a funeral services business licensed by the Funeral Services Regulatory Board. This will be a contract position.

Estimated Budget and Expenses

Estimated First-Year Budget of the Funeral Services Regulatory Board

106 locations at $675 ($575 Admin) ($100 Comp Fund)	$71,550
6 locations at $450 ($350 Admin) ($100 Comp Fund)	$ 2,700
250 licensed funeral directors at $200	$50,000
First-Year Gross Revenue	$124,250

First-Year Expenses of the Funeral Services Regulatory Board

Administrator/Inspector on a contract basis	$40,000
Benefits (contract basis therefore n/a)	- 0 -
Office Services (secretarial, office, board meeting room)	$10,000
Travel/Auto Expense (mileage)	$10,000
Promotional Supplies	$10,000
Telephones (1-800 number)	$ 8,000
Legal, arbitrator, accounting, etc.	$ 5,000
Board Meetings/Honorariums (quarterly meetings $100 X 11 people X 4 meetings)	$ 4,400
Contingency	$10,010
Compensation Fund	$26,840
	$124,250

Comment

The Compensation Fund	
First year contribution	$26,840
Second year contribution	$11,200
Third year contribution	$11,200
	$49,240

In the first year an extra contribution will be made to the Compensation Fund from general revenue to ensure that the fund is at a viable level.

B. LICENSING

Overview

Issuance of a licence is the formal permission from a constituted authority to carry on a specified action. Provincial governments have the authority to regulate the operation of businesses in their jurisdictions. In Alberta, the Licensing of Trades and Businesses Act is the statute that applies to the majority of businesses in Alberta.

The objective of licensing is to create a better and fairer marketplace for both businesses and consumers. Licensing provides a mechanism to identify those businesses that interact with consumers within a specific marketplace. To obtain a licence, a business must meet certain operational standards for both opening and operating the business. Licensing is also a mechanism to ensure that businesses that compete with one another do so on an equal basis. It identifies fair business practices for that marketplace and codifies operational standards.

When an objective third party issues a licence to a business, consumers can then have a cautious optimism about two things--that the licensed business meets certain basic standards, and that the licensed business deals with consumers fairly. When a business needs a licence in order to operate, the issuance of that licence also becomes a tool of enforcement. Businesses that do not comply with the basic operational standards can be taken to task, and their right to operate their business (their licence) can be suspended or withdrawn in the interests of consumers and other businesses. The constituted authority that issues the licence (for funeral services businesses the Department of Consumer and Corporate Affairs), is responsible to ensure that the issuance of a licence remains meaningful.

Rules and regulations are merely the legal expression of the ethics by which fair businesses operate every day. The difficult task of any licensing program is ensuring that all businesses operate by the same basic standards.

Funeral Services Business

1. A "funeral services business" is a sole proprietorship, partnership, or corporation that provides to the public
   a) arrangements for the final disposition of dead human remains, or
   b) goods or services for the arrangement for the final disposition of dead human remains.

   It does not include
   a) a retail florist business,
   b) a printing business,
   c) a trade business (a funeral services business not offering services to the public),
   d) wholesalers of the goods and services used in the arrangements for the final disposition of dead human remains,
   e) businesses licensed under the Prearranged Funeral Services Act or the Cemeteries Act, or
   f) businesses engaged in the preparation or sale of monuments, memorials, or markers.

2. A funeral services business must have a licence for each business location.

3. A funeral services business must designate an agent, to be called a "funeral services agent", in its licence application for each business location.

   Comment

   A funeral services business must designate one person to be responsible to consumers and to the Funeral Services Regulatory Board for the operation of the business. The designated person or "funeral services agent" will speak on behalf of the business and have the authority to deal with all matters related to the licensed activities of that funeral services business. A funeral services business could decide whether to designate a different funeral services agent for each location of its business, or to have one agent represent more than one location.

4. Only a licensed funeral director or an apprentice funeral director under the supervision of a licensed funeral director can make arrangements, sign funeral services contracts and conduct funeral services.

   Comment

   This will ensure the consumer that arrangements are being handled by trained, knowledgeable professionals. The onus is on the funeral services agent to ensure only qualified individuals make agreements, sign funeral

services contracts, and conduct funeral services. Competency will ultimately be judged by the client.

5. If a funeral services business carries on business under a name or style other than its corporate name, the corporate name must be clearly disclosed to the public on the licensee's letterhead, contracts, and price lists.

6. If the following Acts are directly applicable to the particular operation and location of a funeral services business, the Funeral Services Regulatory Board may require proof that an applicant for a funeral services business licence has complied with their provisions:
   a) the Planning Act, 1977,
   b) the Public Highways Development Act,
   c) the Alberta Uniform Building Standards Act,
   d) the Occupational Health and Safety Act,
   e) the Municipal Government Act,
   f) the Public Health Act,
   g) the Prearranged Funeral Services Act, or
   h) any other applicable legislation.

Comment

The future regulatory board must co-operate with government authorities and must ensure compliance with other government legislation.

7. An application for a funeral services business licence must be made to the Funeral Services Regulatory Board in a form set out by the Board and must be accompanied by
   a) proof of municipal zoning approval,
   b) the name of the designated funeral services agent,
   c) the fee as set out by regulation, and
   d) any information that the Board may require.

Comment

Section (d) gives the future regulatory board the latitude it may need to deal with new situations.

8. A funeral services business licence will be for the period from January 1st of each year until December 31st of each year.

9. If a funeral services business offers embalming, the funeral services agent for that business must ensure that embalming is performed by

a) a person who has passed a course of study on embalming from a school recognized by the Funeral Services Regulatory Board, or
b) by a person who has not yet completed a course of study but who is under the direct supervision of a person who has passed a course of study on embalming from a recognized school.

10. The names of all individuals who perform embalming at a particular business location must be submitted to the Funeral Services Regulatory Board by the funeral services agent of that business.

11. The Funeral Services Regulatory Board will compile a list of names of people who perform the service of embalming. Anyone not on the list after the commencement date must successfully complete a course of embalming from a school recognized by the Funeral Services Regulatory Board. The list is not a registry of people eligible to perform embalming.

12. The Funeral Services Regulatory Board will check standards and evaluate schools on the basis of how they educate their students on the preparation, care, and presentation of deceased human bodies.

Comment

The area of embalming as a consumer service is important to both funeral businesses and the client. In order to put greater emphasis on this service, and the person who provides the service, the Committee is suggesting the person have some skill development through a course of study.

The future Funeral Services Regulatory Board will have to approve schools or courses that have emphasis on preparation, care, and presentation.

13. Each location of a funeral services business that offers embalming as a part of its service must have in place a worksite-specific code of practice for embalming. The code of practice must be approved by Occupational Health and Safety.

Comment

The purpose of a code of practice is

a) to encourage and guide funeral workers to achieve high standards of health and safety, and
b) to help reduce concerns about infections and the handling of human remains by ensuring that proper procedures are practiced.

A code of practice must be specific to a particular worksite. The Committee supports Alberta Occupational Health and Safety's "Code of Practice". This "Code of Practice" can be used as a guide when a funeral services business develops its own code of practice for promoting a safe working environment.

14. If embalming is to be performed at a funeral services business facility, the business must have at least one room exclusively devoted to the keeping, embalming, and preparing for disposition of dead human bodies. The room must be equipped with
    a) adequate ventilation,
    b) drains connected to a sanitary sewer system into which liquid waste and blood can be carefully poured,
    c) clearly labelled, puncture-resistant sharp containers,
    d) sturdy sealable bags for solid contamination wastes such as gloves and paper goods,
    e) a preparation room embalming and dressing table,
    f) an adult medium trocar, and either one hydro or one electric aspiration unit,
    g) a dur-tronic embalming machine, or an equivalent model,
    h) a mortuary cot with appropriate linens,
    i) various sizes of embalmer's gowns, gloves and protective wear,
    j) an AIDS/infectous disease kit,
    k) scalpel blades, aneurysm hooks, forceps, and vein clamps,
    l) an adequate supply of suture needles and cotton,
    m) an adequate supply of approved embalming chemicals and fluid,
    n) floors constructed of concrete or covered by tile, linoleum, rubber matting or equivalent suitable covering or surfacing, and
    o) an adequate supply of decantamination fluids.

Comment

These standards are made in the interest of protecting the health and safety of funeral services employees and their clients.

15. All funeral services businesses that perform embalming or body preparation must install backflow preventor values at their business facilities. Businesses in existence at the time of the establishment of the Funeral Services Regulatory Board will have twelve months to comply with this regulation.

Comment

The installation of backflow preventor valves prevents hazardous wastes or contaminants from accidentally going back into the water supply.

16. If a funeral services business does not perform embalming or preparation of the body at its location, but does offer embalming or preparation of the body as a service, then

it must have the embalming or body preparation performed at a licensed funeral services business or trade service business with the appropriate facilities.

17. A funeral services business must have the following:

    a) A selection of at least eight different adult caskets in a display area. Of the eight caskets there must be
        i) one adult cloth covered casket,
        ii) one adult wood casket, and
        iii) one sealing metal casket.
    b) A selection of 8 X 10 glossy, colored photographs of additional caskets that the funeral services business offers for sale.
    c) The casket approved by Alberta Social Services must be included in either the casket or the photograph display.
    d) A selection of urns, or color photographs of urns in a display area,
    e) A selection of samples or 8 X 10 glossy, color photographs of outer containers in a display area.

18. If a funeral services business offers direct cremation as a service, an unfinished wooden box or alternative container must be readily available to consumers.

Comment

The Working Committee heard from a great many businesses that eight was an insufficient number to have on display. However, in the interest of fairness to large and small businesses, it was left at eight with the addition of colour photographs. There was a concern that information and details about inexpensive caskets should also be readily made available to the client. The approved social service casket was chosen.

19. The Funeral Services Regulatory Board will ensure that a funeral services business will be inspected at least once a year.

Comment

Annual inspection will be done in a random manner without advance notification. A confidential inspection report will be mailed to the funeral services agent after the inspection has been completed.

20. A renewal of the licence will not be granted if the inspection has not been passed.

21. The Funeral Services Regulatory Board, or any person authorized by the Funeral Services Regulatory Board, may enter and inspect at all reasonable times any funeral services business facility.

Funeral Services Agents

1. A "funeral services agent" is an individual who has been sponsored by a funeral services business to represent it in all matters related to its licensed activities.

2. A "funeral services agent" is responsible to the consumer and to the Funeral Services Regulatory Board for the operation of the funeral services business and for the conduct of its sponsored funeral directors.

   Comment

   It is important that the future regulatory board and the consumer be able to focus on one individual when dealing with matters relating to a particular funeral services business.

3. A funeral services agent must be a licensed funeral director.

   Comment

   If a funeral services agent is to be responsible for all activities of the funeral services business, he must be knowledgeable about all aspects of the business.

4. A funeral services agent may permit his licensed funeral directors to work for other funeral services businesses in an emergency. The funeral services agent will still be responsible for the actions of the funeral director or directors.

5. The Funeral Services Regulatory Board must be notified immediately of any change in the designation of a funeral services agent for a funeral services business.

Funeral Directors

1. A "funeral director" is a licensed representative of a funeral services business who makes arrangements or conducts services on behalf of the funeral services agent for the final disposition of dead human remains.

2. Only a licensed funeral director or an apprentice funeral director under the supervision of a licensed funeral director may make arrangements, sign funeral services contracts, and conduct funeral services.

3. A funeral director must be licensed and may hold a licence for more than one location. To obtain a licence, a funeral director must
   a) meet the qualifications and examination requirements established by the Funeral Services Regulatory Board,

b) be sponsored by a funeral services agent,
c) agree to follow the Standards of Conduct established by the Funeral Services Regulatory Board, and
d) pay the licence fee.

Comment

The licensing of funeral directors will benefit both industry and the consumer. Consumers will be secure in the knowledge that they are dealing with trained, qualified, and licensed funeral directors. The industry benefits because licensing establishes uniform professional standards for funeral directors.

4. A funeral director's licence will be for the period from January 1st of each year until December 31st of each year.

5. A funeral director's licence must be renewed annually. The funeral director must
   a) be sponsored by a funeral services agent, and
   b) pay the applicable fee.

6. A funeral director must not
   a) submit a false or misleading account,
   b) counsel or assist any person to contravene the Act or the regulations,
   c) act or hold out as a funeral director using any name other than the name of the licensee that is entered in the register, or
   d) sign or issue a certificate, report or other document that contains a statement that the funeral director knows or ought to know is false, misleading or otherwise improper.

7. A review of the licensee's record with the Funeral Services Regulatory Board will be conducted prior to the renewal of the licence.

8. When changing employers, a funeral director must
   a) notify the Funeral Services Regulatory Board of this change in employment,
   b) have the new funeral services agent complete a change of sponsorship notification, and
   c) pay a licence transfer fee.

9. If the business licence for a funeral services business has been suspended, cancelled, or refused by the Funeral Services Regulatory Board, a funeral director who was licensed under that business will have ninety days to transfer his or her licence to another funeral services business and pay the licence transfer fee.

10. If a funeral services business goes out of business, a funeral director who was licensed under that business will have ninety days to transfer his or her licence to another funeral services business and pay the licence transfer fee.

Licensing Process

1. Upon registration with the Funeral Services Regulatory Board an apprentice in the funeral director's training program will receive a "Certificate of Training" that must be posted in a conspicuous place where arrangements or transactions with consumers will take place.

   Comment

   It is in the best interest of the consumer to post the "Certification of Training". This would inform consumers that they are working with an apprentice and not an experienced funeral director.

2. The apprentice funeral director must be sponsored by a funeral services agent and must be under the direct supervision of a funeral director during the two-year training program.

3. There must be only one student per licensed funeral director at each funeral services business.

   Comment

   This limitation will ensure adequate supervision, training, and hands-on instructional opportunities for the apprentice.

4. If an apprentice has spent a minimum of six months in the training program and has the written permission of the sponsoring agent, the apprentice may be allowed to conduct business transactions with the public.

   Comment

   After a student has been working for six months, the sponsoring agent will know the abilities of the individual student and will be able to determine when the student should be allowed to conduct business transactions with the public.

5. When making arrangements, an apprentice funeral director must always identify his or her apprentice status to the consumer, and any arrangements agreed upon between the apprentice funeral director and the consumer must be approved by the supervising funeral services director.

6. In order to be recognized by the Funeral Services Regulatory Board, a funeral director from outside of Alberta must provide verification to the Board that his or her licence is in good standing in the other Canadian or American jurisdiction. An examination on Canadian and Alberta statutes, regulations, and benefits must be successfully taken by the funeral director.

Comment

The Committee realizes that there are other recognized schools and institutions where funeral directors receive training. Funeral directors must show knowledge of Canadian and Alberta statutes, regulations, and benefits before they are licensed to practice in Alberta. They will not be required to take funeral director training courses but they must write the examination on Canadian and Alberta statutes and regulations.

7. Anyone taking a Funeral Services Regulatory Board examination must achieve a mark of not less than 70%.

8. If a person allows his or her funeral director's licence to expire, the person must write a qualifying examination and pay the licensing fee in order to be eligible for re-licensing.

Comment

As long as the funeral services agent is willing to sponsor a funeral director, then the funeral director's licence can be maintained. It is important to maintain credibility of the licence. Therefore, if a funeral director leaves a business or allows the licence to expire, then an examination should be written. There will be no necessity to take the course, once licensed.

Grandfathering Provisions

1. All persons who are actively engaged in funeral services (i.e. making arrangements, signing funeral services contracts and conducting funeral services) and who are sponsored by a funeral services agent, will be eligible to be licensed or "grandfathered in" when the future Funeral Services Regulatory Board assumes responsibility for licensing.

Comment

Existing employees and business owners must be recognized for their knowledge and years of experience, and be automatically licensed. It is difficult to establish a retroactive training program.

Education

1. Continuing education credits for courses will be calculated at 10 credits per hour of instruction.

2. A licensed funeral director must attain a minimum of 80 credits each year from training or education programs approved by the Funeral Services Regulatory Board.

3. The Funeral Services Regulatory Board will
   a) provide an accredited program annually in two different locations in Alberta,
   b) supply a list of accredited programs that are available each year,
   c) assess and consider for accreditation courses and programs from other organizations as required, and
   d) consider giving retroactive credits for courses, if the licensee applies within 60 days of completing the course.

   Comment

   Courses that are not aimed specifically at Funeral Services Business will also be considered (i.e. courses in communication, effective writing and speaking).

4. A sample estimated budget for a funeral director course follows:

   Two instructors at $8,000 per year for a one week school plus a $20 marking fee per lesson (10 lessons in two years per student) would yield a budget based on twenty students as follows:

Correspondence courses	$800.00
Correspondence course marking	200.00
Instructors	800.00
Seminar fees (4)	900.00
Course materials	400.00
Facility expenses	50.00
Examination fee	200.00
Miscellaneous	150.00
TOTAL	$3,500.00

   $3,500.00 fee for the two-year program per student is recommended.

   Comment

   This is an estimate of the costs for a funeral director course to be offered by the Funeral Services Regulatory Board.

Standards of Conduct

Overview

Basic standards of conduct for funeral services businesses ensure consumer protection, and also ensure that businesses compete with one another on an even footing. The "Standards of Conduct" are an essential part of these recommendations. The licence represents permission from the Funeral Services Regulatory Board to operate that business. Permission is given on the condition that the business agrees to operate at or above a certain minimum standard. The Committee believes that the "Standards of Conduct" have codified the standards and practices by which most funeral services businesses operate each day. A funeral services business agrees in its licence application to operate by the standards laid out in this regulation. Bussinesses that are operating outside of these standards will be revealed through consumer complaints and through investigations by representatives of the Funeral Services Regulatory Board.

A funeral services agent must understand what these business standards are and must ensure that the business and its funeral directors abide by them. Funeral services businesses must employ only qualified funeral directors. Those qualifications include knowledge of the standards of conduct established by the Funeral Services Regulatory Board.

1. The Funeral Services Business Licensing Regulation requires that a licensee must uphold and fulfill specific standards and requirements. The Funeral Services Regulatory Board, which represents consumers, industry, and government, requires that as a licensed funeral services business, (name of licensed business) must:
   a) Serve bereaved persons in their time of need with compassion and understanding, respecting their personal choice in arrangements related to faith, creeds, customs, and traditions, and to be responsive to the needs and requests of those they are called on to serve.
   b) Hold confidential all information concerning the deceased and the arrangements unless otherwise instructed by the client.
   c) Prepare, present, care and provide disposition for deceased human remains with due regard and respect.
   d) Ensure the client is aware that embalming is not required by law except under specific circumstances.
   e) Ensure that the client is aware that the restoration of mutilated or disfigured features through the use of derma surgery or plastic art is not required by law.
   f) Serve the client within his or her stated means.
   g) Post clearly a plain language description and individual price for all products that the funeral services business has on display.
   h) Have a book, brochure, or other literature with clear plain language descriptions and prices for the product line that the business offers for sale but does not display.

i) Offer to disclose to the consumer the various goods and services options available within the funeral services industry.
j) Provide to the general public any information that the Funeral Services Regulatory Board decides is necessary.
k) Provide an itemized price list of the goods and services requested by the consumer when discussing arrangements at the funeral services business.
l) Supply to the consumer a printed plain language contract at the time arrangements are made that
    i) outlines the nature of the goods and services selected and itemizes the charges for them,
    ii) states clearly the terms of payment and the effective annual interest rate applicable, if any, and
    iii) states that no additional charges will be made without the authorization of the purchaser.
m) Make no representation, written or oral, that may be false or misleading.
n) Give each client a printed copy of the Standards of Conduct.
o) Post the business licence and a copy of the Standards of Conduct in a conspicuous public place at the business location.

Comment

A funeral services business must provide all contracts and business transactions in plain language. The Funeral Services Regulatory Board will provide its licensees with a sample of a contract in plain language.

Licensing Fees

1. The licensing fee for a funeral services business that does fifty or more calls per year will be $575.

2. The licensing fee for a funeral services business that does less than fifty calls per year will be $350.

Comment

Licensing fees will pay the anticipated expenses of the future regulatory board. There is a need to provide some compensation to the funeral services businesses that do under fifty calls per year.

3. The licensing fee for a funeral director will be $200.

4. A funeral director may apply to transfer his licence to another funeral services business. The transfer application must

a) be completed by the responsible funeral services agent of the new funeral services business, and
b) be accompanied by a $25 transfer fee.

5. If a funeral director applicant has not been actively engaged in funeral service on a full-time or part-time basis for more than a two-year period, he or she must pass a qualifying examination and pay a fee of $50 as well as the annual licensing fee.

6. A funeral director applicant with a funeral director's licence from another Canadian or American jurisdiction must
a) provide verification that the licence is in good standing,
b) pass an examination on Canadian and Alberta statutes and regulations,
c) pay a $50 examination fee, and
d) pay the annual licensing fee of $200.

C. CONSUMER COMPLAINT RESOLUTION

Overview

When a licensing system and standards of conduct are in place, there must be a process provided to deal fairly and objectively with consumers' complaints against licensees. The Funeral Services Working Committee believes that the process for complaint resolution that it has designed is a balanced approach. It puts consumers and businesses on an equal footing by giving the consumer the ability to protest to an organization comprised in part of that business's peers. Those peers want to ensure the operation of a fair marketplace in which all players play by the same rules.

The Committee has designed a process whereby the consumer can have access to a mediation process or arbitration process that is not costly nor time-consuming to either side. To be effective, a complaint resolution process has to be fair. It also has to be perceived as being workable and fair. The process proposed by the Funeral Services Working Committee is a step in that direction.

Mediation and Arbitration

There are two alternative dispute resolution processes that can be used in place of the traditional court or litigation system. Mediation is a process in which two or more parties refer their dispute to a mediator who acts as a facilitator to assist the parties in reaching an agreement. The mediator will not impose a settlement upon them, nor make any decisions for the parties. The mediator's role is to help the parties to identify the issues, and to assist them in talking and negotiating. The mediation process usually ends with an agreement being reached; however, if there is no agreement, the parties are free to use any other dispute resolution process that they wish. (i.e. arbitration or legal proceedings).

Arbitration is a process in which parties in dispute refer that dispute to an independent arbitrator and agree to be bound by the arbitrator's decision. The decision of an arbitrator, known as the award, is final and binding upon both of the parties if the arbitration was conducted in accordance with the Alberta Arbitration Act. The arbitrator's award may be enforced as a judgment or order of the Court of Queen's Bench.

As dispute resolution processes, arbitration and mediation provide many benefits over the traditional justice system. Disputes are resolved much more quickly than taking a case to court. Mediation and arbitration proceedings are conducted in private rather than in a public courtroom. Disputes settled through mediation or arbitration usually cost far less than disputes which are taken to court.

Complaint Handling Process

1. The following information will be made available to consumers by a toll-free telephone line, by mail or in person at the Funeral Services Regulatory Board office:
   a) the status of the licence of a funeral services business,
   b) the complete legal name of a funeral services business,
   c) the mailing address and location of a business,
   d) the name of the funeral services business agent,
   e) the status of the licence of a funeral director,
   f) the name of the funeral services business that sponsored a particular funeral director's licence,
   g) the number of substantiated and unresolved complaints against a licensee,
   h) an explanation of the responsibility of a funeral services business to a consumer,
   i) a referral to other sources of information regarding funerals, and
   j) a referral to government agencies that can give information or assistance not provided by the Funeral Services Regulatory Board.

   Comment

   It is the responsibility of the Funeral Services Regulatory Board to provide this information to the consumer. The funeral services industry must be accountable to the public.

2. The Funeral Services Regulatory Board will accept and may investigate consumer complaints against a licensee.

3. The particulars of a complaint will be provided in either a written or oral statement to a representative of the Funeral Services Regulatory Board.

4. The Funeral Services Regulatory Board representative will try to resolve the consumer complaint and will report all particulars to the Funeral Services Regulatory Board.

5. If the representative is unable to resolve the complaint, the Funeral Services Regulatory Board will offer the consumer
   a) mediation, where consumer and licensee agree to the process with a non-industry mediator appointed by the Board, or
   b) arbitration, where the complaint would be arbitrated under the provisions of the Arbitration Act of Alberta.

6. If the consumer chooses the arbitration process, the licensee is obliged to enter arbitration. The Funeral Services Regulatory Board will choose an independent arbitrator from the Alberta Arbitration and Mediation Society.

Comment

The Committee recommends this as it ensures that the Funeral Services Regulatory Board will deal with the consumer complaint through the arbitration process.

7. If an arbitrator makes a financial award to a consumer, the Funeral Services Regulatory Board will pay the consumer the amount of the award in accordance with the rules governing the Compensation Fund.

8. If a Funeral Services Regulatory Board representative finds that a licensee or funeral services agent has contravened the Act or regulation, the representative must submit a detailed report to the Board.

9. The Funeral Services Regulatory Board will review the report and
   a) determine whether there has been a contravention of the Act or regulation,
   b) instruct the funeral services business to rectify the contravention, or
   c) require that the licensee or funeral services agent appear before a hearing of the Board to determine the future status of his or her licence.

Inspections

1. The Funeral Services Regulatory Board will direct a representative of the Board to inspect a funeral services business facility to ensure compliance with its regulations.

2. A copy of the completed inspection form must be left with the funeral services agent.

3. If the inspection reveals deficiencies, the licensee will be given sixty days to correct them.

4. If deficiencies are not corrected within sixty days, the Funeral Services Regulatory Board may conduct a hearing.

Hearings

1. The Funeral Services Regulatory Board must
   a) notify the licensee or funeral services agent of the allegations against them,
   b) give fifteen days notice of the hearing, and
   c) give full details of the investigative report to the licensee.

2. The licensee or funeral services agent may be represented by counsel.

3. The licensee or funeral services agent may bring any person to the hearing that may support the case.

4. After conducting a hearing, the Funeral Services Regulatory Board must provide a written decision within fifteen days to all concerned parties.

5. The licensee or funeral services agent may appeal the decision of the Funeral Services Regulatory Board to the Director of Licensing of Trades and Businesses, to the Minister, or the Alberta Court of Queen's Bench.

D. COMPENSATION FOR CONSUMERS

Overview

The Funeral Services Working Committee has found that the businesses in the Alberta funeral services marketplace are very concerned about their image and reputation. Through the actions of dishonorable businesses, the entire industry can acquire a black eye. Businesses want Alberta consumers to realize that they do care about honest and fair dealings and that they want to provide Alberta consumers with protection.

A compensation fund is an innovative consumer protection program proposed by the Funeral Services Working Committee that would be funded and supported by all licensed funeral services businesses. The compensation fund operates efficiently when every business pays into the fund. It would not replace the business's responsibility for compensating consumers that have lost money in their dealings with the business, but it does provide protection for those consumers who deal with businesses that are unable or unwilling to compensate them for their financial loss. The compensation fund will exist and will be funded by all licensed funeral services businesses as their way of saying to the Alberta consumer that they wish to take responsibility for the actions of funeral services businesses.

The compensation fund will be available to consumers only. Businesses which deal with licensed funeral services businesses and end up with financial losses will not have access to nor a claim on the compensation fund. The fund is designed to protect consumers who deal with licensed funeral services businesses in Alberta.

Creation of a Compensation Fund

1. The Funeral Services Regulatory Board shall create a fund in the minimum amount of $50,000 to be known as the "Compensation Fund".

2. The purpose of the Fund is to repay a direct financial loss, in whole or in part, after
   a) a consumer obtains an agreement through mediation and the licensee fails to pay within fourteen days, or
   b) a consumer is given an arbitration award and the licensee fails to pay within fourteen days, or
   c) the Funeral Services Regulatory Board establishes an award based on a contravention of the Act or regulation which results in a direct financial loss to a consumer, or
   d) a consumer obtains a judgement against a licensee or a funeral service agent based on findings of
      i) fraud,
      ii) breach of trust,
      iii) misrepresentation,
      iv) theft,
      v) default on contract,
      vi) conversion, or
      vii) contravention of the Act or regulation.

   Comment

   These are the only four ways that a consumer can receive payment from the Compensation Fund for a direct financial loss.

3. A funeral services business must submit the sum of $100.00 for each funeral services business location with the licence fee. This money will be its payment to the Compensation Fund.

4. The money collected under such a levy and any income from the investment of that money must be credited to the Fund.

5. The Board must hold in trust all money credited to the Fund and immediately deposit that money in a Compensation Fund trust account in a trust company in Alberta. The money in the Compensation Fund must be separate and apart from any other money of the Board.

6. The Board may pay the administrative costs associated with the Fund from the investment income of the Fund.

7. If the investment income from the Fund is insufficient to pay the administrative costs of the Fund, the Board, with the approval of the Minister, must collect money to pay those administrative costs by a levy on all licensed funeral services businesses.

8. If the income from the investment of money in the Fund is in excess of the administrative costs associated with the Fund, the money may be used to cover the costs of the complaint handling process.

Investment and Insurance

1. The Board may invest any part of the Fund in any class of securities in which trustees are permitted to invest funds under the Trustee Act.

2. The Board may insure the Fund against any claim or loss and the costs of such insurance must be paid from the Fund.

Payment from the Fund

1. When a consumer attains an agreement through mediation or is given an arbitration award and the licensed funeral services business fails to pay within fourteen days, that person may apply to the Funeral Services Regulatory Board for compensation from the Fund.

2. A consumer may apply to the Board for compensation from the Fund when he or she obtains a judgement for a direct financial loss against a licensee or a funeral services agent based on a finding of
   a) fraud,
   b) breach of trust,
   c) misrepresentation,
   d) theft,
   e) default on contract,
   f) conversion, or
   g) contravention of the Act or regulation.

3. An application for compensation must
   a) not be made within fourteen days of a mediation agreement or arbitration award,
   b) not be made within thirty days of the judgement being issued,
   c) be made within one year from the date that the judgement or mediation agreement or arbitration award was issued, and
   d) be accompanied by a statutory declaration stating
      i) the amount of the compensation being requested,
      ii) that there has been no appeal of the judgement, and
      iii) that the consumer's claim has not been satisfied.

4. The Board must notify the Director of Licensing of Trades and Businesses whenever it
   a) receives an application for compensation, and
   b) makes a payment out of the Fund.

5. When the Funeral Services Regulatory Board has made a decision to provide compensation, it will pay the consumer the amount of the claim to a maximum of $4,000.

6. When a payment for compensation has been made from the Fund, the Board is subrogated to the rights, remedies, and securities to which the consumer was entitled against the defaulting funeral services business, funeral director or funeral services agent up to the amount paid from the Fund. Those rights, remedies, and securities may be pursued in the name of the Board.

7. Payment from the Fund will be made from the time of the implementation of the Funeral Services Regulatory Board.

Annual Report and Investigation

1. The Board must submit an annual report to the Director of Licensing of Trades and Businesses by March 31st of each year.

2. The Board must provide financial statements or other information concerning the Fund to the Director of Licensing of Trades and Business.

Winding-up of the Fund

1. If the amount of the Fund at any time falls below the amount prescribed in the regulations, the Board must immediately advise the Director of Licensing of Trades and Businesses.

2. If the amount of the Fund is less than the amount prescribed in the regulations or the Director of Licensing of Trades and Businesses considers it in the public interest to do so, he may order that the Fund be wound-up.

3. If the Director of Licensing makes an order to wind-up the Fund, every licensed funeral services business and every licensed funeral director must provide the Director of Licensing with a bond in accordance with the regulations before either the funeral services business or the licensed funeral director conducts business.

4. The Fund belongs to and must be distributed among those funeral services businesses who are licensed at the time that the Director of Licensing issues his winding-up order.

By-laws Respecting the Fund

1. The Board must make by-laws for the procedures for administering the Fund, and any matters concerning the operation of the Fund, if directed in writing to do so by the Director of Licensing of Trades and Businesses.

2. The Board must provide the Director of Licensing of Trades and Businesses with a copy of the by-laws and of any amendments within seven days after making them.

3. The by-laws and any amendments made to them have no validity until the Director of Licensing of Trades and Businesses notifies the Board in writing that he has approved them.

4. The Board must not transact any business in relation to the Fund unless there are by-laws in force under this section.

5. The Board must maintain a register showing the names of
   a) each licensed funeral services business,
   b) each licensed funeral services director, and
   c) each funeral services agent.

E. EDUCATION OF CONSUMERS AND BUSINESSES

Overview

In many ways, education is the most important component of consumer protection. If the average consumer does not have enough knowledge about the products and service available in the funeral services marketplace to be on a level footing with the funeral services business in consumer transactions, they are at risk. Regulations are important, but one can not regulate to the point of unfairness because it creates an imbalance in the marketplace. The average Alberta business does not have the resources to conduct market studies about consumer preferences and expectations, so education about these matters benefits businesses.

Well-informed consumers expect the businesses with which they deal to have high business standards, because they will not deal with businesses that do not treat them well. When businesses know that consumers are aware of their rights and responsibilities, they tend to respond positively.

Consumer Education

1. The Funeral Services Regulatory Board will work with Consumer and Corporate Affairs as well as the funeral services industry to promote awareness within the consuming public of
   a) the various goods and services made available by the funeral services industry,
   b) the role of the regulatory board, and
   c) the consumer safeguards that have been established.

Comment

The Funeral Services Regulatory Board will develop and distribute informational materials to help consumers make informed decisions. Emphasis will be placed on the use of plain language in all publications. Improved access to information and services will help ensure a more equitable death care marketplace.

Education Within the Industry

1. The Funeral Services Regulatory Board will work closely with the funeral services industry to
   a) establish educational standards to be met by individuals wishing to be licensed as funeral directors,
   b) set required examinations for those seeking to be licensed as funeral directors, and
   c) set minimum continuing education standards for industry members as required for licence renewal.

FUNERAL SERVICES: SUMMARY OF RECOMMENDATIONS

May 8,1991

A Funeral Services Regulatory Board would handle licensing, maintain standards of business conduct, resolve consumer complaints, administer a compensation fund and educate industry and consumers. The Board would be made up of an equal number of consumers and business representatives.

Licensing

- Funeral services businesses would have a licence for each business location, and designate an agent to accept overall responsibility.
- Funeral directors to be qualified and pass exam before obtaining a license.

Standards of Business Conduct

- Plain language would be used in consumer documents and contracts.
- Embalming would be performed by a qualified person (qualifications set by the board).
- Businesses would:
  - meet minimum display standards (established by the board) for caskets and cremation urns
  - post description and prices for all products on display
  - offer to inform consumers about the various goods and service options available
  - provide consumers with an itemized price list of the goods and services requested
  - inform consumers that restoration of features and embalming is not usually required by law

Complaint Resolution

- The Board would investigate consumer complaints, and, if complaint is unresolved, mediate and arbitrate.

Compensation Fund

- The board would establish a minimum $50,000 compensation fund to repay consumers' direct financial losses after a consumer obtains an agreement through mediation or an arbitration award, and if the licensed funeral services business with which the consumer was dealing fails to compensate within 14 days. If a consumer obtains a judgement and the licensed funeral services business fails to compensate, the consumer could apply to the fund after 30 days. Maximum payment for a single claim would be $4,000.

Education

- The board would set educational standards for funeral directors, and promote consumer awareness of the goods and services available, and of business standards.

QUESTIONNAIRE

1. The report recommends standards of conduct for a funeral services business. Do you agree with the concept of codifying standards of conduct? What is your opinion of the standards proposed in the report?

2. The report recommends the creation of a compensation fund to protect consumers. Do you support this recommendation? Are the rules proposed for the compensation fund fair to all parties?

3. The report proposes the licensing of funeral services businesses and of funeral directors. Do you believe that licensing funeral services businesses and funeral directors will create a better marketplace for consumers? Are the licensing requirements practical and reasonable for industry, and are they in the best interests of consumers?

4. The Funeral Services Working Committee has proposed the establishment of a regulatory board that would be responsible for issuing licenses, resolving consumer complaints, educating both consumers and businesses, and administering a compensation fund. Do you support the establishment of a regulatory board made up of consumers and businesses for the funeral services marketplace?